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# The Alaska BAR RAG

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## Buchwald to Keynote Hawaii Meeting

### By Nancy Gordon

The keynote speaker at the February Bar meeting in Hawaii will be the noted columnist Art Buchwald. Art was born in Hollis, New York City, the youngest sibling of 3 older sisters. At the ripe age of 17, Art enlisted in the Marines and went off to fight in the Pacific during World War II.

Thanks to the American taxpayer's dollar, in 1948 Art went to Paris on the GI bill of rights. It was here in Paris that his notable career began. It was not an auspicious beginning, as he checked into the Hotel Des Etats-Unis at the reasonable rate of 25 cents per day. However, after a brief time, Geoffrey Parsons, Jr. hired Art to write a food and wine column for the European edition of the *Herald Tribune*. Art approached this job with a fervor, relishing it particularly because it provided him with free meals for the next four years. Ironically, here was a boy from Queens, New York City, whose diet had previously consisted of hamburger, potato latkas and three years of Marine cooking, becoming the over night French culinary expert of the *Herald Tribune*.

Art's column was well received and he eventually converted it into a night-life feature where he covered the after-hours saloon life of Paris. He wrote about fashion, art, music, theater, notable people, and eventually politics. Due to the popularity of his column, eventually Art became syndicated through the *New York Herald Tribune*.

Tiring of the French political scene, in 1962, Art moved himself and his family to Washington, D.C. Since that time he has written about five presidents and their respective administrations. The targets of his satire are often pretention, hypocrisy and injustice. No public officials, whether they be his friends or foes are safe from his sophisticated wit. He has been acclaimed by the *Los Angeles Times* for single-handedly restoring humor to contemporary journalism. Dean Atichson of the *Chicago Tribune* has stated that he is "the greatest satirist in English since Pope and Swift."

Art presently writes a thrice-weekly column which is syndicated in over 176 papers. His readership is found in more than 73 countries. He has published over 16 books and is a frequent lecturer on college campuses as well as at conventions. His talents vary from writing a play for Broadway entitled, "Sheep on the Runway," dressing up as a rabbit for Easter, taking on Pancho Gonzalez in a tennis match, and dancing at the White House. Art presently resides on the banks of the Potomac, with his wife Anne. He maintains regular office hours at the Sans Souci Restaurant. Art states that the biggest disappointment in his life was not making Nixon's enemy list. When asked the greatest satisfaction of his life, Art reflects for a moment and then muses, "making people laugh."

photo by Ed Stahla

### What Sort of Person Reads The Bar Rag?

*Young, athletic, a lover of the outdoors. And he knows how to enjoy every aspect of modern living. When away from his busy practice he knows how to find fun and enjoyment. Join him as he makes this discovery, monthly, in the pages of the Bar Rag, his favorite newspaper.*

## *Further News of Hawaii CLE Program*

The Continuing Legal Education programs for the Second Annual Mid-Winter Meeting of the Alaska Bar Association in Kauai, Hawaii, will feature both Alaska and Outside experts in consumer law, unfair trade practices and products liability.

**Frederick C. Tausend** and **Donald H. Mullins** of the law firm of **Schweppe, Doolittle, Krug, Tausend and Beezer**, Seattle, Washington, will conduct a one day program in which they will examine the Unfair Trade Practices Act and other related state and federal consumer legislation and its effect on business practices.

The second program will be a two day course on products liability and the trial of products liability cases. Among the attorneys participating in this seminar will be Anchorage attorneys, **Russ Dunn**, **Bernie Kelly** and **Joe Young**.

The following represents the tentative schedule for this program.

**First Day:**

Introduction

Product Liability Overview (current law and general comment)

Evidentiary issues in product liability cases

Discovery in product liability cases

The Technical Expert, selection, consultation, preparation, examination, cross-examination

**Second Day:**

Presentation of plaintiff's case including opening arguments and closing arguments

Presentation of the defense case including opening statements and closing arguments

Additional speakers and program information will be announced at a later date.

## Judge Compton Suffers Heart Attack

Judge Allen Compton, 39, a Superior Court Judge sitting in Juneau suffered a serious heart attack on August 20 of this year. He was at home at the time of the attack. Judge Compton was released from the hospital September 14 after remaining there for about three and one-half weeks. In a telephone interview with the Judge at his home he indicated that he is resting and well. He indicated that he expected to return to work sometime around the end of November if his recovery follows the prognostication of his doctor.

## Bar Association Wins Hawaii Suit

### by Allen M. Bailey

**ANCHORAGE**—Dissident Bar Association members were unsuccessful in their attempt to invalidate the February 1978 Board of Governors meeting in Hawaii.

Third Judicial District Superior Court **Judge Mark Rowland** on August 4 heard oral arguments in a suit filed by eleven Bar members and two laymen challenging the association's Board of Governors meeting at the mid-winter CLE Program.

At the close of argument, Rowland granted the Alaska Bar Association's motion for judgment on the pleadings.

In doing so, Rowland held that A.S. 8.08.100 exempts the association's Board of Governors from the "open meeting" provisions of Alaska Statutes.

In a separate decision, Rowland on September 11 denied the association's motion for attorney fees.

Bar members who filed the complaint for declaratory relief dated February 22, 1978, were **Bruce Horowitz**, **David Loutrel**, **Wildon A. Rice**, **John E. Duggan**, **Donald E. Clocksin**, **Thomas G. Beck**, ***Elizabeth Ratner***, **Randall Simpson**, **Phillip R. Volland**, **Sue Ellen Tatter** and **Jeffrey Lowenfels**.

Two plaintiffs who are not members of the bar are **James Love** and **William Parker**.

Attorney Lowenfels termed Rowland's action "just a shame" and added that no decision had yet been made as to whether or not the group plans further action. He said his group would have to meet to decide whether or not to appeal the decision because an appeal would be costly.

The complaint alleged that Board of Governors meetings are subject to requirements of Alaska's "open meetings" law, A.S. 44.62.310-312 and, as such, must meet at a location accessible to the public of Alaska.

The Hawaii meeting, it alleged, violated A.S. 44.62.310-312 and the due process clauses of the state and federal constitutions.

Allegations in the complaint also contended that:

—There was inadequate public notice for the Hawaii session under A.S. 44.62.310(e).

—Payment of board members' expenses by the Association was a violation of A.S. 44.62.310 and the Alaska Constitution's due process clause.

Several items of declaratory relief were sought by the plaintiffs as well, including a declaration by the court that the Hawaii meeting and any action taken there was void.

Other declarations sought were that payments of expenses to board members for the trip were illegal and that all future meetings should be held in the State of Alaska.

The Bar Association contended in its answer that provisions of A.S. 8.08.100 specifically exempted the Board of Governors from the Alaska Administrative Procedures Act, including A.S. 44.62.310-312.

Judge Rowland agreed with that contention.

And, according to Bar Counsel William Garrison, association members can look forward to a February 1979 meeting in the island state as well.

# From the Editor

## By John Abbott

It is with a sense of trepidation, enthusiasm and optimism that we are publishing our first issue of the **Bar Rag**. Trepidation because it tokens the beginning of a new endeavor for those of us involved in putting the newspaper together. Enthusiasm because we feel that the legal profession in Alaksa should have its own voice and method for communicating and the **Bar Rag** can provide this for us. Optimism because we sincerely believe that the paper will be well received by lawyers throughout the state and will bring the members of our profession closer together. Initially funded by a loan from the Alaska Bar Association, it is our intention that the **Bar Rag** will operate as an independent voice not only for the newspaper staff but also for all lawyers in Alaska. It is our hope that the paper will operate as an economically viable entity, bringing you not only information of a technical nature, but also bringing you regular articles touching upon virtually every conceivable topic. In addition to containing Bar Association notices and information for the members, it will have a monthly interview with an interesting or provocative member of our bar. Additionally, we hope to have articles covering such areas as interesting bars around the state, good restaurants, profiles on persons associated with our profession, a letters to the editor column, cartoons and a comings and goings section to highlight the movements of attorneys in Alaska. We tried to give our newspaper a name befitting our ancient and honorable profession. We failed. We settled instead for a name we like; whatever dignity it lacks we hope to remedy with our motto. This newspaper will be distributed to all lawyers in Alaska. We hope it will be provocative, informative, enlightening and just plain fun to read. We welcome your ideas and hope that you will feel moved to contribute to this undertaking.

We are also interested in finding out what our lawyers do when not practicing law. It is our sincere belief we should all take a good look at ourselves on a fairly regular basis and by means of this paper we hope to accomplish that. Most importantly, this newspaper is for Alaska attorneys. We are interested in what all of you are thinking, doing and feeling, regardless of your location. While the nuts and bolts assemblage will occur in Anchorage, this newspaper is devoted to statewide activities. We are just as interested in what goes on in Bethel as in what occurs in Juneau. While we hope to have contributors and reporters from throughout the state, we must of necessity rely upon you to let us know what is happening in your town. In short, we need your contributions and your reader support. Ideas and information will go a long way toward making our newspaper a success.


# Josephson at Large

## By Joe Josephson

If you hear that I've agreed to try a case on television, you can conclude that I probably have a fool for a client, or my client has a fool for a lawyer, or the laundry has delivered to me my blue dress shirt, or all of the above.

You can also deduce that I have a case that is a landmark piece of business, which bears an extraordinary degree of public interest, and which has been set for hearing before a judge who has made very evident to me his wish to be on television.

If I sound cynical, at worst, or skeptical, at best, on the question of television coverage of Alaska lawsuits—I probably am.

It is one thing for government officials to "stay ahead of the curve," to use a business and political cliche. That just means anticipating issues before the public perceives them, rather than waiting for the issues to develop into crises.

At least in the executive and legislative branches, staying ahead of the curve is a mark of alert leadership, although some leaders—California's Jerry Brown among them—argue that it's better to let problems mature into a stage of mass clamor, because only then does the public become willing to accept meaningful solutions.

But it is another thing for government officials—especially in the judicial branch which has a tradition of restraint and insulation from public clamor—to reach out to deal with non-problems. If there be a non-problem in this Alaska world of ours, it is the right of Alaskans to know all they want to know about what goes on in state courts.

Truth to tell, I had not noticed the stampede to the public benches in our courtrooms by ordinary citizens wanting to observe government in action, or enjoy a cheap date, or overcome simple boredom. As entertainment, of course, the ordinary trial or appellate hearing ranks just ahead of watching hair cuts.

The press has been alert here in publishing information about court proceedings. Members of the public who really didn't want to read or hear about the Scotty MacKay matter, for example, could escape the details only by homesteading in the bush. (Maybe such over-reporting accounts for the wave of interest in obtaining state land tracts in rural areas.)

As a real source of enlightenment, the transmission of trials over mass media will have dubious value. For one thing, how do you transmit over television the contents of the legal briefs? I suppose that the judge who asks counsel not to repeat orally the arguments made in filed memoranda will be censured by the public for interfering with the public's "right to know!"

Of what does the so-called "right to know" consist? There is clearly no constitutional right to watch television coverage in one's home of any civil or criminal trial or hearing. There is no "right" of any sort, if the rule permits any attorney in the action, or the judge, to deny courtroom access of television cameras.

Last spring, by the way, Alexander Solzhenitsyn spoke to a Harvard audience about the public's right "not to know." I took that to mean that western society's citizens, faced with an explosion of data and information in a technological world, find their spiritual lives threatened by too many cognitive inputs, and really too much trivia.

Some attorneys, and I am one of them, have questioned more than the entertainment value of televised trials, or the usefulness of the medium as an educational tool in the legal context. More earnestly, we wonder how the televised coverage will affect the conduct of lawsuits, and their outcome.

Will courts, consciously or unconsciously, give greater weight to outcomes that will be momentarily popular? Will judges be self-conscious in asking searching questions of a "devil's advocate" nature—questions which sometimes shed light on the issues in a case? Will attorneys try cases with one eye on the camera's red light and, if so, will the result be better preparation and presentation of their cause, or more superficial treatment of complex issues?

My own bias in this matter may stem from legislative experience. I recall how a question I posed during a senate hearing on abortion legislation was asked in a truth-finding spirit, but played up in the media so that there was heck to pay with supporters of the liberalized abortion bill. I had asked a witness whether the legalization of abortion could tend to diminish society's respect for life at the other end of the life cycle, and so affect attitudes about euthanasia and other attitudes towards the aged. I learned that for some citizens it was not enough that one support a change in the abortion law; they insisted that one also refrain from asking probing questions testing the validity of their cause.

The "right" of the public to follow court proceedings may be said to carry a responsibility—the simple responsibility of showing up in the courtroom when the case appears on the docket. With all the concerns about judicial administration, and with all the calls upon government for expenditures of public funds and administrative energy, the telecasting of trials and hearings would seem to be one of government's more dubious innovations.


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# President's Column

## By Ken Jarvi

Indifference and apathy strike every human endeavor from time to time. The legal profession is not immune. Observations over the past two years as a Board member and officer confirm that indifference and apathy are alive and well in the legal profession in Alaska.

But changes are occurring. Some are microcosmic. Some are of greater dimension. Hopefully this new publication falls into the latter category; it certainly has the potential. The editorial staff is composed of all volunteers from within the profession. No longer will the content of the paper originate from the Bar office staff as it has in the past. The concept is to make the paper a sounding board within the profession. The hope is that by moving the control of the paper away from the Bar office the paper will become more independent and more accessible to the members. Whether this will work depends on each of us. Just possibly the opportunity to convene monthly in the publication will be another step away from indifference and apathy about our profession.

Interview

## Stearns' Law Clinic For Profit

### By Cameron Sharick

*Interviewee Timothy Stearns is the founder of Alaska's first legal clinic for profit. After graduating from Golden State University School of Law in San Francisco in 1974, Stearns came to Alaska with the VISTA Legal program to work with the State Human Rights Commission. He was admitted to the Alaska Bar in May, 1975. Stearns opened his private legal clinic in Anchorage in 1976. Last month John T. Hansen joined the legal clinic.*

*Hansen also graudated from Golden Gate University School of Law in 1974. Admitted to the California Bar in 1975, Hansen entered into general law practice in San Francisco until coming to Alaska in 1977. From August of 1977 until joining the legal clinic, Hansen acted as Alaska District Court Magistrate, traffic, in Anchorage.*

**Q. Your law practice is the only one listed as a "legal clinic" in the attorneys' section of the Anchorage telephone directory. What is your legal clinic and how does it differ, if at all, from the traditional notion of a private law practice?**

A. The concept evolved from the legal clinic of Jacoby and Meyers in California. It was, if not the first legal clinic, the first legal clinic for profit. Their idea basically was to provide routine legal services for lower costs to their clients and still make a reasonable profit. When we first started our clinic in Anchorage, it was a little bit different in that we were not as concerned about making a profit as providing low cost legal services to people who might not otherwise be able to afford legal services.

**Q. Doesn't the State of Alaska provide free legal services for low income persons in the form of Public Defender Agency for criminal matters and the Alaska Legal Srvices for civil matters?**

A. Sure, but the guidelines are extremely low for Alaska Legal Services. For example, unless the figures have been raised, for one person to qualify for legal services with no dependents, the person would have had to make below $4,400.00 in the preceding 12 months or for a family of four, that family would have to make less than $8,600.00. So, there are a number of people who do not qualify for Alaska Legal Services but nevertheless may not be able to afford a lawyer because of their income or family's income.

**Q. Earlier you stated your practice is a legal clinic for profit. How can you afford to charge your clients less than the typical or prevailing rate for legal services and still make a profit?**

A. One way we do it is by making less money than other lawyers might make. We're certainly below the average income for lawyers that was recently published in the Bar Brief.

**Q. What other things do you do that cut down the legal costs?**

A. By doing a volume of certain types of cases such as uncontested divorces and bankruptcy we are able to, I think, be more efficient. We have established a sort of routine procedure for specific types of cases and make use of form books.

**Q. Do you use paralegals or non-lawyers?**

A. That's right. In some cases, we will have one of the people in our office who is not a lawyer get information for affidavits that may be necessary in a divorce case. She knows the questions to ask, she knows how to write up the affidavits. We have devised a divorce intake sheet which gives us much of the information without our having to ask it. That saves us probably one-half hour right there. Another thing we also try to do, and I think we are doing sucessfully, is we have tried by means of charging a low initial consultation fee of $15.00 to get people into the office, ask us questions about a potential problem so that they will know how to proceed before it actually becomes a problem.

**Q. Does your legal clinic handle public interest litigation?**

A. Yes, that's one of our objectives. In 1976 we brought a class action, together with the Public Defenders Office, on behalf of all pretrial detainees at Sixth Avenue Annex (Southcentral Correctional Center Annex). After a matter of months, Alaska Legal Services joined us in the suit. The action alleged the conditions at the Annex are unconstitutional constitution cruel and unusual punishment and that it's below minimum building requirements for the State of Alaska. We also alleged there is inadequate access to counsel, to law library, to exercise, to medical treatment, as well as inadequate protection and inadequate staffing.

**Q. If the cae is decided for your clients, what will the effect be?**

A. The ultimate effect may be to close down Sixth Avenue jail after a period of time. The more immediate effect, I think, will be increased staffing, increased access to telephones, increased access for the attorneys to their clients, and attorney/client confidential conference rooms, a more adequate law library, expanded visiting hours, possibly with tactile visits and better medical treatment.

**Q. What other areas of law does your clinic emphasize?**

A. When I set up this office, I set it up with three ideas. Number one was doing public interest litigation which we have already talked about. Number two was providing legal services, low cost legal services, to help those people who might not otherwise get legal services. The third idea was doing legal education, public legal education. In other words, making the public more aware of the law and of their rights under the law.

**Q. What are some of the substantive ways that you have pursued this goal?**

A. We've done some talks on consumer protection, on credit. Also we have asked to participate in landlord/tenant seminars given for realtors and property managers.

[continued on page 4]

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# "Random Potshots"

### By John Havelock

—A regular Bar Rag column commenting on matters sometimes of interest to lawyers

*When, in 1968, I began contributing a weekly column in the Anchorage News entitled, somewhat grandly, "Policy Profiles," a certain degree of mischievous sniping was inevitably forthcoming from my brethern in the bar. Among the slings and arrows, one caught my ear with the ring of pertinence.*

*"How's 'Random Potshots' coming along?" inquired an overweight and wet-eared journeyman, who has since retreated to the quiet backwater of a Juneau practice. In keeping to the theme of policy profiles, I am stuck with tendentiousness sometimes wearisome even to the writer. For this journal I assert no claims to balance or care of analysis. If a random potshot ever hits a topic between the eyes, mark the occasion as coincidental.*

**Law School Feasibility**

Reports that Alaska Methodist University may be considering establishing a law school revive again consideration of the question considered last in 1975 by the author in "Legal Education for a Frontier Society."

That study reported two central findings. First, there were probably enough qualified students to meet minimum requirements for the establishment of an Alaska law school. Three years later there is cause for even greater confidence that a basis in qualified student demand exists to establish a law school with a total student population in the 250-300 range by the mid 1980s. This population could be maintained assuming a law school aptitude based admissions policy comparable to the average of the ten law schools most recently accredited by the American Bar Association.

The second key finding was that the job market which graduates of this law school would be facing would be lethally competitive. The validity of this conclusion is increasingly clear.

During the early '70s, new attorneys were admitted to practice in Alaska and getting jobs at a rate moving upward toward 200 per year. An ambitious Alaska law school might hope to place its graduates in about a third of these openings, which, considering some outmigration, would assure satisfactory placement for each graduating class.

But the increase in the number of lawyers admitted in the 1970s very substantially outpaced the growth of the general population. Only 70-80 bar admissions per year were projected as required in the late '70s and early '80s to maintain the ratio of lawyers to members of the general public prevailing in 1975. In 1975 there was already one lawyer in Alaska for every 500 persons, compared with one for 572 nationally. The ratio in Anchorage and other major cities was much higher. The growth in members of lawyers in Alaska at more than twice the maintenance rate has continued to increase that compression.

Accelerating lawyer density has been a special feature of the Alaska legal economy virtually every year since statehood. The sixty-four dollar question is how long can this go on? Though the market has considerable elasticity, there have been increasing signs that the saturation point has been reached.

Average lawyer income, comparing the study done earlier this year by the bar association with the 1975 study, has probably dropped slightly in real dollars. Price competition and fee depression is a classic indicator of an excess of sellers.

While quantification is not presently available, more bar members appear to have moved into employments not traditionally sought by lawyers. Lawyers in increasing numbers have moved into outlying areas of the market geographically. One might speculate that lawyers are also moving more into outlying areas of the market by subject matter. More doubtful cases may be going to court, more minor matters handled by attorneys.

Following Murphy's Law ("anything that might go wrong, will) it is almost assured that the first graduating class of any new law school will find the market at its flood saturation level.

The supply of lawyers in Alaska has, of course, been more than adequately met for all practical purposes (a few special legislative admissions being the exception) by the immigration of graduates of established schools from the contiguous states. Alaska actually draws more graduates from those schools which are hardest to get into than would be expected. So there is no reason for the Alaska public or hiring firms or agencies to be dissatisfied with the quality of graduates entering the profession unless there is something wrong with legal education generally (a point which will be addressed in a later column). Graduates of an Alaska law school would be competing for jobs not against graduates of the less famous law schools, but against a cross-section tilted towards the stronger schools.

As a corollary, then, to this gloomy job outlook, a third principle was proposed: that the establishment of a law school whose purpose is to turn out conventionally educated lawyers for conventional legal services markets cannot be justified on the basis of the need of the public to be served.

It might be noted at this juncture, however, that Alaska Methodist University may face less confusion on this issue than, for instance, the University of Alaska, or some separate institution founded by the Legislature. Since dollars are not proposed to be spent, the strongest case for need of the public to be served need not be made.

Nor is need of the public to be served the be all and end all of the case for a law school. Student demand alone, the obligation of a society to provide educational opportunity for its citizens, may provide a quite adequate rationale for encouragement of educational expenditures, particularly if taxpayers' costs are not directly involved. Indeed, the growth of instruction at the University of Alaska only rarely would appear to be justified beyond the rationale of student demand.

The existence of a student demand unsatisfied by law school opportunities outside the state is established by a number of indicators other than the complaints of residents hankering after a legal education. Notably, the number of persons taking the law school aptitude test in Alaska is 56 percent lower, about 110 in 1974, than would be expected based on national averages. From this and other confirming data, it can be concluded that about 28 people do not go to law school each year in Alaska who would go to law school if they lived in another state.

This circumstance is a proper point of concern for Alaskans concerned about legal educational opportunity. The selective cancellation of funding for law students under the Western Interstate Compact for Higher Education will doubtless have aggravated this situation.

"Feasibility" is a term with multiple meanings. The conclusions of the 1975 report were founded largely on the basis of feasibility as "desirability," in the context of a large number of factors, some involving the variable of personal value judgment. Feasibility could also be considered in the context of economic feasibility alone.

In that context, the position of Alaska Methodist University, provided it determined to make the commitment, is worthy of special attention. Traditional law schools, compared with other forms of graduate education are quite lucrative. Considered based on the operating budget alone, they can actually make money.

In monopoly position on student demand, sitting astride the entryway to a popular profession, an AMU effort would have one very considerable advantage weighing in towards the ABA accreditation, the statutory litmus test of legal education. It has the plant. If it devoted one of its two buildings completely to law school purposes, AMU would certainly make the ABA take notice.

But economic feasibility should not be the sole test of whether an attempt is made to start a law school in Alaska. What about the prospects for those graduates? What opportunities are being foregone by an educational institution that makes such an extensive commitment? AMU must first examine its own fundamental purposes. There should be no mistaking that if a successful effort is to be attempted to provide law school education it will dominate the nature of the institution. If the trustees decide this is their tentative goal they must still ask themselves what the nature of legal education should be in the 21st century and how it might fit with the fabric of Alaskan society. Law school feasibility is a question that requires much more than an economic analysis.

# Interview

[continued from page 3]

**Q. Although you routinely represent tenants?**

A. True.

**Q. Have you ever represented a landlord?**

A. Oh surely, we've probably represented as many landlords as tenants.

**Q. Have the goals of your legal clinic changed at all since you first opened your doors two and one-half years ago?**

A. I think when we first opened we had some concerns about taking any clients who were not moderate income. Since that time we have found that a legal clinic doesn't necessarily have to just be an expanded Alaska Legal Services, and in fact, if it attempts to be an expanded Alaska Legal Services without any sort of Federal or State funding, it may not be around the following year.

**Q. So, what is the practical effect of this change?**

A. We continue to take people as clients who do not have a lot of money and may have some financial problems. However, we have stopped feeling guilty about taking people who do have sufficient funds to pay us, and we're not trying to achieve more of a balance. We've established or are in the process of establishing a sliding hourly fee schedule for those types of cases for which we charge an hourly fee.

**Q. With this new emphasis, will you now take personal injury cases, commercial accounts and other cases of that type?**

A. Yes, to a degree we will. During the past two and one-half years, we had seriously considered incorporating as a non-profit corporation. It only has been in the past few months we have decided that we can be profit oriented, do public interest litigation, continue to do the sort of work that we have been doing and that none of those goals are necessarily inconsistent with each other.

**Q. With such a change, won't the emphasis on providing low cost legal services be phased out?**

A. No. The whole concept of legal clinics is still young, and I think the concept itself is still growing. We see around the country now legal clinics popping up specializing in one particular area of law, hopefully providing legal services very efficiently in that particular area. If we look at the concept of a medical clinic where an individual can go and receive specialized services from different doctors all under the same roof and if we borrow that concept in regards to the law, it should be possible to provide individuals a place to go where they can get specialized legal services and, again hopefully, at lower costs because the services there are being rendered more efficiently.

**Q. What is a sliding hourly fee schedule?**

A. Well, we might charge one client $50.00 an hour, a second $60.00 an hour and a third $70.00 an hour or somewhere in between for the same legal services. We don't have any absolute objective criteria yet for determining whether someone is going to pay $50, $60, or $65 an hour, but we try not to charge more than we think an individual would be able to pay.

We base the fee determination partially on the income guidelines, partly on how much the individual is making, the take-home pay, partly on their family obligations, partly on the type of case. We tend to charge less, I think, in domestic relation cases than we might in some other sort of case. We have charged law clerk and paralegal time out on a sliding scale as well. Also, some types of cases we have on a flat fee such as uncontested divorces and bankruptcy.

**Q. Advertisements for legal services by your clinic have appeared in the *Alaska Advocate*. When did you first advertise?**

A. Our first advertisement was published in the *Alaska Advocate* the week after the United States Supreme Court declared advertising to be legal for lawyers. Our ad used the same format that Bates and Osteen had used in their ad, the one that was challenged by the Arizona Bar.

**Q. What prompted you to advertise?**

A. Advertising is important to a legal clinic and important to the public. As I've already stated, a legal clinic requires a high volume of routine type matters in order to operate efficiently and to be able to charge a low fee. But more importantly, advertising is important to the consumer to aid the consumer in the selection of an attorney who is experienced in the particular area with which the consumer is concerned. I also believe that advertising can have the effect of lowering the cost to the consumer in certain types of legal matters.

**Q. What did the copy of that ad include?**

A. It was a tombstone advertisement basically listing the type of action and the fee. We had a listing of four or five different services. I think it was uncontested divorce, bankruptcy, adoption, name change and to the right of each of those, we listed a flat fee for an uncontested action.

**Q. What type of response did you get from that advertisement from our legal community?**

A. That was the interesting thing. I did not expect that other lawyers would start referring cases to the clinic as a result of the advertisement. However, we found a number of lawyers, after seeing our advertisement in the *Alaska Advocate*, started referring those types of cases to us.

**Q. Did the Alaska Bar Association have any particular reaction to your advertising?**

A. No, not at that time. We ran a subsequent advertisement in a little different form indicating that the Legal Clinic was experienced in landlord/tenant and employment discrimination cases. As a result of that advertisement, we received an inquiry from the Bar Association counsel requesting that we list every employment discrimination cae I had ever handled, including the name of the case, the date I worked on the case and the resolution of that case.

**Q. Did you provide that information to the Alaska Bar Association?**

A. There was no way I could provide that information. You see, I had spent approximately one year as administrative counsel for the State Human Rights Commission. But, I did indicate I had worked for the Commission and that the Bar was free to contact the director of that agency.

**Q. And subsequent to your response, did the Bar ever have occasion to contact you again regarding that particular aspect of your advertising or advertising in general?**

A. Not that I recall.

**Q. What do you feel the reception to your legal clinic has been amongst your fellow lawyers?**

A. I think anytime you start out with a new idea or something a little bit different, there is a certain amount of reluctance to accept the idea and I think there was a certain amount of hesitancy or reluctance from other attorneys in the beginning towards our concept. Now, however, we find a lot more attorneys have accepted the idea and, as I have indicated, are willing to refer certain types of cases to this office. Also, I think there is probably a number of attorneys who really just don't want to handle certain types of cases, such as bankruptcy, divorce or adoptions. Finally, I think there are certain attorneys who probably have never heard of the clinic, mostly firms handling matters for the business community. However, I think other attorneys have accepted us.

**Q. What new programs or changes would you encourage in our legal community?**

A. First, I would like to see one or more pre-paid legal insurance plans made available to Alaskans—not just for members of a particular union, but for any Alaskan who wanted to join. I believe the Alaska Bar Association could work to develop such a program and I believe that such a plan could pay for itself. Legal insurance, like health insurance, could go a long way to helping Alaskans gain access to needed legal services.

Second, I'd like to see the legal community gain access to computerized research systems. Use of these systems could reduce the time spent on legal research by 80 percent and could mean a substantial savings to persons who use lawyers' services. I believe lawyers have an obligation both to themselves and to their clients to seek out and use new, updated services which continue highquality services but reduce the cost to the client.

# Alaskans Attend Uniform Law Commissioners Conference

## By Arthur H. Peterson

The **National Conference of Commissioners on Uniform State Laws (NCCUSL)** held its annual meeting in New York City from July 28 through August 3, 1978, with Alaska's full delegation—Commissioners **Jay Rabinowitz, Paul Robison, Art Peterson,** and associate member **Bill Berrier**—in attendance. Four new acts were promulgated: **Uniform Brain Death Act, Uniform Audio-Visual Deposition [Act] [Rule], Uniform Federal Lien Registration Act,** and **Model Sentencing and Corrections Act.**

**The Uniform Brain Death Act** recognizes the concept of brain death, thus supplementing the common law definition. The common law rule for death was "an absence of spontaneous respiratory and cardiac function." In addition to a section stating its title, the approved draft of this Act consists of a single section whose key provision is the phrase "irreversable cessation of all functioning of the brain, including the brain stem." This should be compared with Alaska's definition of "death" in AS 09.65.120, which codifies the common law ("no spontaneous respiratory or cardiac function") and adds "no spontaneous brain function."

**The Uniform Audio-Visual Deposition [Act] [Rule]** was promulgated in a form which may be enacted by the legislature or adopted as a court rule. It recognizes the expanding use of audio-visual depositions in both state and federal courts. In 1970, the Federal Rules of Civil Procedure were amended to permit recording of depositions by other than stenographic means. (FRCP 30(b)(4)) A number of states have adopted the substance of the federal rule and many others have expressly permitted audio-visual depositions under their own standards. Other courts have ruled that it is within the general power of the trial court to authorize audio-visual depositions.

The NCCUSL has listed the following as the principal advantages of audio-visual depositions: (1) A method of presenting deposition testimony superior to reading a transcript of a desposition into the record. (2) A presentation of visual and oral testimony of witnesses otherwise unavailable by reason of distance, illness, death, etc. (3) Alleviation of problems associated with scheduling witnesses, particularly medical experts, in a visual and oral form. (4) Presentation of visual and oral evidence in logical progression without respect to scheduling requirements. (5) A shorter trial by enabling the judge to delete objectionable testimony before its presentation to the jury. (6) Immediate availability and greater accuracy than that inherent in stenographic transcriptions. (7) Opportunity to take on location, thereby visually showing, for example, the surroundings in which an incident occurred. The Act contains numerous provisions aimed at assuring the accuracy and reliability of such depositions.

**The Uniform Federal Lien Registration Act** is a successor to the Revised Federal Tax Lien Registration Act, promulgated by the NCCUSL in 1966. In AS 43.10.090—43.10.150, Alaska still has the original Uniform Federal Tax Lien Registration Act promulgated by the NCCUSL in 1926. The new Act applies to federal liens in addition to federal tax liens. Alaska's law probably should be updated.

**The Model Sentencing and Corrections Act** was a major undertaking, which, in draft form with commentary, covers 445 pages. **Justice Jay Rabinowitz**, one of the Alaska uniform law commissioners, was a member of the drafting committee. This Act has been designated a "model" rather than a "uniform" law. Basically, the designation "model" is applied when in the judgment of the NCCUSL the subject is not one upon which uniformity between the states is necessary or desirable, but where it would be helpful to have legislation which would tend toward uniformity where enacted. It thus serves as a standard for comparison, but without the push for enactment in all jurisdictions.

The sentencing and corrections Act contains provisions on the organization of the corrections system in a state, sentencing, prisoners' rights, and victims' assistance. A brief report such as this cannot do justice to an Act of this magnitude. Some short comments should suffice. The organizational provisions go into a considerable amount of detail in establishing a department of corrections and various units within that department. The sentencing provisions, in an effort to reduce the unfairness and ineffectiveness occasioned by sentencing disparity, eliminate the "indeterminate" or "individualized" approach to sentencing, much like the recently enacted revision of Alaska's criminal law (ch. 166 SLA 1978). The prisoners' rights provisions go into great detail concerning procedures, reading material, legal assistance, preserving parental relationships, activities, arbitration of disputes between the department and prisoners, etc. The victims' assistance provisions go beyond a mere reparations approach to cover such things as legal assistance and counseling.

An item of business which may be of interest to some Alaskan attorneys was the creation of a drafting committee to revise the **Revised Model State Administrative Procedure Act.** Although Alaska's APA (AS 44.62) is not based on the model APA, it contains various puzzles and its revision has often been recommended. The proposed revision of the revised model APA will address several problems and it has been suggested that the model Act be changed to a uniform Act. When that revision project is completed—probably two years from now—Alaska may benefit from an analysis and enactment of the new uniform APA.

Copies of uniform Acts and material pertaining to them may be obtained by writing to John McCabe, Legislative Director, National Conference of Commissioners on Uniform State Laws, 645 North Michigan Avenue, Chicago, Illinois 60611.

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*Art Peterson is an assistant attorney general, vice-chairman of the Alaska Code Revision Commission, and one of Alaska's uniform law commissioners for the National Conference of Commissioners on Uniform State Laws.*

# Judicial Council Evaluation of Judges

## By Michael L. Rubenstein

The Alaska Judicial Council is created by Article IV, §8 of the constitution as a "Missouri-plan" judicial nominating commission and, in §9, as a think-tank to "conduct studies for improvement of the administration of justice, and make reports and recommendations to the Supreme Court and to the legislature," as well as to "perform other duties assigned by law."

Lawyer members, appointed by the Board of Governors of the Alaska Bar Association are: **Marcus R. Clapp, Michael M. Holmes** and **Joseph L. Young.** Non-lawyer members, appointed by the governor are: **Kenneth L. Brady, John E. Longworth** and **Robert H. Moss. Chief Justice Boochever** is the chairman of the judicial council. He will be succeeded in this office by **Hon. Jay A. Rabinowitz**, on October 1, 1978.

In 1975 the Alaska Legislature assigned the council another duty, as follows:

> The judicial council shall conduct an evaluation of each judge [justice] before his retention election and shall provide to the public information about the judge [justice] and may provide a recommendation regarding his retention or rejection. Such information and the recommendation shall be made public at least 30 days before the election. The judicial council shall also provide such information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.57.025.

*I know of no other jurisdiction* in which, by statute, sitting trial court judges and supreme court justices must be publicly evaluated by an agency of state government. In Alaska, the judicial council is required to rate the judges and, by implication, to formulate criteria for measuring judicial performance. The council must decide how to approach the fundamental question of what the legislature intended by the language "conduct an evaluation" and "provide...information about the judge" to the public.

How does one go about evaluating a judge in a manner that makes sense, that deals with the important aspects of judging, that is fair to the judge, fair to the public, and results in the dissemination of useful information? This is an enormous challenge, and one of obvious importance to all practicing attorneys. At the outset, I must admit to having no answers. What we do possess, however, is a willingness to confront the problem directly and to experiment (or grope) with a variety of possible approaches.

Faced with eleven judges running in the 1976 retention elections and a statute that required immediate action, the judicial council, with some reluctance, settled on the conventional device of a survey or opinion poll to use as an evaluation tool. Whose opinions should be asked? Since judges are themselves lawyers, and since lawyers are the ones who have the most frequent dealings with judges, naturally the survey was going to include the bar. But we also wanted a broader evaluative basis, and one which would not place quite so much stress on what might be viewed by voters as the narrow professional interests of a single group. For this reason we decided to invite members of the "law enforcement community" and the general lay public to participate in the evaluation. For laymen, we settled on the idea of polling persons who had actually served on juries in the courts of the judges running in the election. Looking for a law enforcement component, we replied affirmatively to a request for participation by the Alaska Peace Officers Association, an organization which includes not only policemen, but F.B.I. and other federal agents, and probation and parole officers.

In the summer of 1976 I sat down with delegates from the board of governors of the Alaska Bar Association to design the data collection instruments for use in our proposed opinion survey. We wanted to cover all major areas of importance, design a neutral, "non-leading" questionaire, and make sure that our final product would not be so burdensome to fill out as to discourage busy people from participating in the survey. During our meetings we were fortunate in having the help of Dr. Michael Traugott, a political scientist connected with the Center for Political Studies, Institute for Social Research at The University of Michigan at Ann Arbor. The Institute for Social Research is the oldest, and one of the most well-respected organizations of its kind in the United States; Dr. Traugott himself has had considerable experience in administering mail surveys in a variety of areas. It was decided that Dr. Traugott would help in the design of the survey instrument, that the Institute for Social Research would be responsible for the printing and distribution of all materials, and that respondents would mail their completed forms directly to Ann Arbor for tabulation and analysis. Later, the Institute would prepare a final report for the judicial council in which the results of the survey would be analyzed.

We received substantial criticism from judges and various elements of the public following the 1976 evaluation. In general, nobody seemed to quarrel with the way in which the results were tabulated or analyzed, or with the form and content of the survey instruments. Some lawyers did say the instruments were too long, or that we rushed them in the time alloted for reply. However, the Institute for Social Research believed that our rate of return (in the neighborhood of 50%) was well within acceptable limits for mail surveys of this type, and quite sufficient for purposes of analysis. Also, in reviewing the literature on bar polls it was obvious that the Alaska Judicial Survey had a response rate as good or better than any we could find in the country. In fact, it was more than twice as good as most in this regard.

The principal complaint in 1976 came from judges who claimed that many of the lawyers who rated them had never appeared in their courts at all. (We only tabulated survey instruments indicating "substantial" or "limited" experience before the judge.) In effect, these judges claimed that lawyers were simply falsifying their polls. My reply to these judges was to the effect that there is no way of preventing a person from lying in any mail survey, and that the overall response rate was probably large enough to nullify the impact of individual false responses, which were probably few. Still, we hoped to find a way to meet this objection in future evaluations, and to improve our methods in other respects as well.

For the 1978 judicial survey which involved 16 trial court judges and two supreme court justices, the council determined to employ an additional component we had not used in 1976. We decided to conduct direct personal interviews with a sample of attorneys who had substantial (proven) experience before the judges running in the election, and to use these interview results in conjunction with The University of Michigan's report on our mail survey.

I explained earlier that a lot of cooperative work went into the design of the survey instruments we used in 1976 and 1978. In fact, they were reviewed not only be bar and police representatives, but by virtually all of the trial judges and by a great number of lawyers and other people whom I contacted on an informal basis and invited to criticize our poll. Still, one is left with a nagging sense of dissatisfaction about using a sterile questionnaire to evaluate anything as subtle and elusive as the quality of justice, (which is what we are really getting at, I think, in evaluating the quality of a judge). Personal interviews seemed ideal for putting some flesh on the bare bones of survey research; we believed they had the potential for bringing to light new information they of importance which might otherwise slip through the holes in our questionnaire. For example, an interview might bring out paricular instances of alleged judicial misconduct (or outstanding performance), which could then be verified by court files, tapes, etc. Another potential for itnerviews was as a check against the validity of our survey. (Conversely, the survey could be seen as a check on the interview methodology.)

For interviewers, I hired three law students from Golden Gate University in San Francisco, California, and one from Harvard. I was looking for people who would have no preconceived notions about the judges who were to be the subjects of their research; this is why we looked outside of Alaska for interviewers. We decided to use law students because we thought they would have a better grasp of the sub-

[continued on next page]

# Response to Judicial Council's "Survey"

## By Joseph J. Brewer

Once again, following a four-year interval of relative quiet, the judicial council has taken a poll that appears to focus the glaring light of negative publicity upon my qualifications as a judge, following more than 12 years on the bench. The poll or "survey," however, needs clarification and raises questions which need to be answered.

First, did those polled understand a rating of less than 3 points would mean automatic disqualification in the council's evaluation? [None of the 16 trial judges up for election received a 4.0, by the way, on the question of "overall judicial performance."]

Chief Justice Boochever finds it "inconceivable that any of those polled would have difficulty in understanding that it was in the less than acceptable category," referring to the "needs improvement" category, in a letter distributed to all judges and council members. In the same paragraph he states:

> "I agree that the classification 'needs improvement' is probably not the best. We have discussed that in the Judicial Council and that classification will be changed on the next poll."

Yet he, and the council of which he is listed as ex-officio chairman, are willing to use that less-than-the-best category to find two judges "not qualified" to set on the bench after 10 years in one instance and more than 12 years in the other. (Incidentally, only the three laymen and one attorney besides the chief justice were present at the interview I had with the council, if that is significant in decisions the council makes.)

Secondly, if 3.0 is to be the dividing line between those found qualified and those who are not, why are two other judges who were rated less than 3.0 on the 26th question ("overall judicial performance") found to be qualified as opposed to the two of us rated not qualified, when the percentage difference is .01 and .02 percent between the favored and the unfavored?

Is it not quite a leap for the council—comprised as above indicated—to go from a 2.7 'needs improvement" to "not qualified?"

Mr. Michael Rubinstein, executive director of the council, told me that upon receipt of the initial results from Dr. Traugott of the University of Michigan where the results of the "survey" were tallied, that interviewers were sent out to interview additional attorneys regarding low-rated judges. Who were the attorneys interviewed in the second series of interviews? Were they amongst the nearly 150 attorneys who gave me an acceptable or better rating, or amongst those who had rated me as needing improvement? In other words, were they my friends in the bar (and I do have some, believe it or not) or were they drawn from Mr. Rubinstein's circle of friends? That is rather akin to someone wanting to besmirch the entire judiciary by proving statistically that minority groups are discriminated against in felony sentencing, by studying, say, 30 cases—make sure first that 20 of the cases involve minority groups. Anyone want to guess what the results will reveal? Ah, yes! Statistics, statistics! Aren't they wonderful?

Thirdly, why did the prose portion of the "survey" report state that the jurors rated me lower than any other judge, when at least one other judge and I had identical numerical ratings from jurors? Why did the report written by Dr. Traugot or his designees state that on the 7th question asked jurors (whether they would mind having that particular judge in a case in which they were litigants), in one judge's case, "Two thirds (66%) *responded affirmatively*," while in the report on me it was stated "...*only* 70 percent of the jurors would want Judge Brewer as their personal judge...?" (Emphasis added.) To what extend did such an obfuscated, slanted report affect the decision of the three laymen and the one attorney?

Fourth, why were members of the Alaska Peace Officers Association the only law enforcement agency involved in the poll, when approximately 70 percent of the Anchorage Police Department—who are in District Court more than any other law enforcement agency—are not APOA members?

Fifth, why are the numerical ratings assigned the percentages of those polled in the 1-through-5 category such that the lower ratings appear more significant? That is, of the 258 attorneys rating me, far more than half that number gave me a 3.0 or higher rating and significantly more than half of the APOA members rating me gave me a 3.0 or higher rating. Yet the lower numbers of both attorneys and peace officers carried the day and the council, (or at least, those present and voting), was persuaded that such vast numbers opposed me so that I am no longer qualified to sit on the bench. This is the same body, be it noted, that approved my qualifications in 1968 but which seems to be trying for the second time, to unseat me (including its 1974 *ultra vires* act, prior to the 1975 legislation under which it is now acting).

Quite a significant number of attorneys who were interviewed before the initial reports of the good Dr. Traugott's tabulations were received, told me they gave the interviewers from Mr. Rubinstein's office a most favorable report on me. Was such information conveyed to council members, along with the negative interviews?

I am not infallible and have never pretended to be. Show me where I can improve and I will make every effort to do so. But I doubt if any judge, at any level of court, could not be rated as "needs improvement" in various categories. However, I will not sacrifice my status as an individualist or my duty to the citizens of this state—be they defendants, plaintiffs, or other members of the general public—in order to win public opinion polls or satisfy the whims of four men sitting in a supernumerary agency which let themselves be persuaded by minority numbers to find me unqualified.

# Evaluaton of Judges

[continued from preceding page]

ject matter—and a better feeling for its importance—than would graduate students in other disciplines. Altogether, these four students conducted some 273 interviews over a period of three months.

We wanted to make sure that the lawyers we interviewed had actual and substantial experience before the judges they were asked to rate. For this reason we located their names from court files and documents prepared by the local calendar clerks' offices. On each interview form we tried to record aproximately the level of experience possessed by the respondent. In Anchorage and Fairbanks it was easier to find many lawyers with substantial experience before each of the judges running. However, in some of the smaller towns we had difficulty locating the number of respondents we set out to get. On the average, however, we managed to find 17 lawyers to talk to about each of the judges running.

Before we dispatched our student-interviewers they were given detailed instructions about the manner in which they were to conduct the interviews and the questions they were to ask. I tried to impress on them the seriousness of the task they were about to undertake. In particular, they were instructed to maintain as neutral a demeanor as possible, scrupulously to avoid any appearance of partiality or prejudice, and to maintain strict confidentiality concerning the identity of any respondent, or the content of his or her response.

We designed the questions to be as open-ended as possible. We wanted to encourage all respondents to speak freely without suggesting in any way even the areas they ought to discuss. Whatever seemed to be most important to the respondent was what we wanted to write down and evaluate. For this reason, the opening question was phrased something like this: "How would you rate Judge X's overall judicial performance?" After the lawyer finished answering this query, the interviewers were instructed to touch on certain general themes of importance, but only if these subjects had been omitted from the lawyer's previous monologue. For example, the interviewer might ask: "How would you rate his or her legal skills?" The interviews were not put on tape, since we thought this might discourage free and open discourse. However, each interviewer was instructed to write up a summary of the interview, as close to verbatim as his recollection would permit, and at a time as proximate as possible to that in which he or she had face-to-face contact with the subject.

In August Of 1978 I received a telephone call from Fr. Traugott in Ann Arbor who provided me with a partial summary of the results of his computer tabulation for the mail survey. He focused on one survey item styled "overall judicial performance." It was Dr. Traugott's opinion that the response of the lawyers, jurors and peace officers to this one item was fairly representative of their opinions on all of the survey items taken as a whole. Dr. Traugott's summary indicated that four judges on the survey might conceivably be "at risk" in the sense that their mean, or average scores on "overall judicial performance" were lower than 3.0. (Instructions on the survey instruments were to the effect that a score of "3" was a shorthand form of stating that the judge was "acceptable" for the item in question.)

Immediately after receiving Dr. Traugott's telephone call I reached each of the four judges to let him know that there was a possibility of his receiving an unfavorable evaluation based on the survey results, and that he would be provided an opportunity to appear before the council to make any explanations he wished. I also advised each of the judges that he would be informed of the complete survey results as soon as they were available. At the time of receiving Dr. Traugott's phone call, the personal interview component of our evaluation was still in progress, so that we were unable to compare interview results with survey scores at that time.

Later, when the interviews had all been completed and the judicial council had had a chance to review the interviewers' notes, one very striking fact came to light: in virtually every case there was a marked congruence between the interview results and the scores judges had received on their mail surveys. To the judicial council, this was a very gratifying finding. It seemed to suggest that we were on the right track. Sometimes, where there was a question about a particular item on a judge's mail survey, the interview resutls would hlep to clear up the matter, place it in a different perspective, or give the judicial council something to think about which they would not have had otherwise.

We promised each lawyer who was interviewed that both his or her identity and what he or she had told us would remain strictly confidential. With regard to the two district judges who finally wound up getting bad ratings, it is unfortunate that we are unable to provide them with the interview data reflecting on the council's interpretation and evaluation of their survey scores. I know that in both cases their numerical average ratings were not far below the "acceptable" level of 3.0. Further, I know that the two other judges who seemed to be at risk following the mail survey, but who were ultimately approved, however, did not receive scores much above those of the judges given bad marks in the final evaluation.

To seem to have based negative ratings for these two judges upon such small numerical differences has the appearance of harshness, if not arbitrariness. I must stress, however, that the final evaluations were not based merely on the survey results, but on a consideration of surveys and interviews as an integrated unit. Also, the explanation and attitude of the individual judge in his appearance before the judicial council, (or that judge's failure to appear before the council), probably should also be given some weight. To repeat: the final evalu tion of the judges was not done mere "by the numbers." The judicial coun tried to look at the whole pictur which, in this case, comprised the m surveys, interview results and the o portunity for face-to-face confrontati with the council. The final rating w based on a synthesis of these thr elements.

We must return again to the then that how to evaluate a judge is o viously of essential importance to lawyers; it is also a matter still in primitive state of evolution at th time. Nobody on the judicial counc and certainly not its executive directo pretends to have a "final solution" the problem of judicial evaluation Any and all reasonable good-faith su gestions will be given serious co sideration. We radically changed o approach between 1976 and 1978 adding an entirely new compone to the scheme. We will remain flexib in the future and continue to try a improve the program in every way can. Who knows, one day the vote may actually decide to take us serious

*Mike Rubenstein is Executive Direct of the Alaska Judicial Council.*

# Bernard Segal Conducts Multi-City CLE Program

Professor Bernard L. Segal of San Francisco conducted the September Piggyback Continuing Legal Education (CLE) program on Trial Advocacy Techniques in Fairbanks on September 15; in Anchorage on September 16; in Juneau on September 18. Segal was scheduled to speak in Ketchikon on September 19; however, he was unable to make this commitment. Instead he plans a return visit to Alaska to conduct the Ketchikan program early in October.

Professor Segal received his J.D. degree from the University of Pennsylvania in his native city of Philadelphia. He also holds a M.A. in Political Science from the same university and his B.S. degree is from Temple University.

He has a long and impressive record of achievements in several fields of law—most prominently as a successful trial lawyer, teacher and writer. He is the co-author with Anthony Amsterdam of the **Defense Manual in Criminal Cases**, published by the American Law Institute. He has also written a number of articles on Trial Techniques appearing in the ABA Journal; Golden Gate University Law Review; The Practical Lawyer; Temple University Law Quarterly and University of San Francisco Law Review.

Professor Segal has conducted CLE programs for State Bar Associations in California, Pennsylvania, New York, Connecticut, New Mexico, West Virginia, Arkansas and South Dakota.

He is deeply involved in litigation training for law students. Teams of student litigators he has trained at Golden Gate University Law School in San Francisco, have won the Western Regional Championship of The National Mock Trial Competition 2 out of the past 3 years. As a teacher of evidence, criminal law and trial advocacy, he was chosen the outstanding teacher at Golden Gate University and received the John Gorfinkel Award.

Before becoming a full-time law teacher in 1972, Professor Segal won an outstanding national reputation as a criminal defense lawyer heading his own firm in Philadelphia, Pennsylvania. He continues an active interest in the practice of law and earlier this year argued his sixth case before the United States Supreme Court.

# Alaska Bar News

## New Officers Elected

Ken Jarvi, Anchorage, took office as President of the Alaska Bar Association for the 1978-1978 term at the annual business meeting of the Association in Fairbanks.

Unanimously elected to the other offices were:

**Donna Willard, President-Elect**
**Harry Branson, Vice-President**
**Dick Savell, Secretary**

The next annual meeting of the Alaska Bar will be held in Sitka on June 8 and 9, 1979.

## Definition of the Practice of Law

The Board of Governors, at its meeting in Fairbanks on September 6, 7 and 8, 1978, devoted several hours to a discussion of the comments received with respect to proposed Bar Rule 63 defining the practice of law.

As a result of the valuable criticism received from all sectors of the legal community as well as several State agencies and representatives of business interests the Rule has been referred back to the Committee on Statutes, By-Laws and Rules for additional work. Specific guidelines have been furnished based on the comments received.

In considering the definition, the Board has been guided by the philosophy that the public has a right to know that a person who represents himself as an attorney, is minimally competent and that there are disciplinary procedures available to which the attorney is subject.

## Rule on Discovery to Remain

At the annual business meeting of the Bar Association held in Fairbanks on June 10, 1978, the membership overwhelmingly approved Resolution #14 which resolved that

"The Alaska Bar Association communicate to the Federal District Court for the State of Alaska the opposition of its members to proposed local rule 8 which limits interrogatories in federal court litigation to twenty (20) including parts and subparts. Be it further resolved that the Alaska Bar Association request of the court that it defer the effective date of proposed rule 8 until such time as the court has the opportunity to confer with the Alaska Bar Association and local bar associ tions on problems and proposed so tions concerning discovery practi under the present local federal rule

As a result of that directi **Ken Jarvi**, President, and **Donna W lard**, Presient-Elect, met with Ch Judge **James A. von der Heydt** a Judge **James M. Fitzgerald** on June 2 1977.

It was learned at that time th Alaska is one of the last distri to adopt the limitation amendm which has proved to be successf throughout the nation. For examp in San Diego where the rule has be in effect for seven or eight yea there have been only ten requests f extra interrogatories.

In Judge von der Heydt's opini the best use of interrogatories is determine the existence, identity a location of witnesses and exhibi Furthermore, as pointed out by Jud Fitzgerald, "no attorney worth salt will get hung on substantive e dence via interrogatories."

The Federal District Court h suggested that the members of t Bar try the rule and see how it wor If difficulties develop both Judges a available to discuss them and to wo with the Association to resolve them

The Bar Association was furth informed that uniform local rules f the entire 9th Circuit may be pro ulgated.

## Paralegal Committee

The Paralegal Committee of t Alaska State Bar Association w meet on Friday, October 6, 1978 4:30 P.M. in the office of the state b association. The agenda will include

1. Analysis of returned surve of law offices which have hired or pl to hire paralegal personnel.

2. Discussion of Rule 63 and impact on paralegals.

3. Discussion on independent ganization of paralegals.

Both attorneys and paraleg are encouraged to attend.

For further information c Stephen Conn, Criminal Justice Cent University of Alaska at 272-5522, E 133.

**More Bar News Next Page**

**Anyone interested in serving the newly created Legal Educati Opportunities Committee and C Rules Committee should immediat contact Ken Jarvi.**

# Alaska Bar News

[continued from preceding page]

## The Fairbanks Convention

The Tanana Valley bar Association, in its usual inimitable style, provided a controversial and exciting program for the annual business meeting of the Alaska Bar Association which was held in Fairbanks on June 8, 9 and 10, 1978.

Aside from the excellent hospitality, riverboat cruise and banquet featuring noted criminal attorney **Richard "Racehorse" Haynes** as guest speaker, the dialogue which developed during the C.L.E. program did much to unite divisive factions which were beginning to develop within the Bar.

In capsule form, the following action was taken with respect to the resolutions which were introduced:

Resolution #1: Proposing shortening time and revising procedures for bringing resolutions to the floor of the convention. Defeated

Resolution #2: Proposing that the Alaska Bar Association not employ the services of a lobbyist in Juneau. Tabled indefinitely

Resolution #3: Proposing that every attorney in Alaska be required to participate in a mandatory malpractice self-insurance plan. The matter was referred to a special committee which is to report to the membership at least 30 days prior to the next convention. Furthermore, any recommended proposal is to be submitted on ballot to the membership at Association expense. The membership overwhelmingly supported the concept.

Resolution #4: Proposing that the membership of the Board of Governors be increased to 11, with two non-attorney members appointed by the Chief Justice from a list of applicants recommended by the Board. Defeated.

Resolution #5: Proposing that the Board of Governors not be permitted to hold a public meeting out of state. Defeated.

Resolution #6: Proposing that each active attorney, regardless of his employment, be required to accept a certain number of pro bono cases each year in order to remain licensed to practice law. Defeated.

Resolution #7: Proposing that the Alaska Bar Association set up and run a legal clinic for low and middle-income persons who are deemed ineligible for ALSC representation and cannot afford private counsel without reduced rates. Died for lack of movant.

Resolution #8: Proposing that the President of the Alaska Bar Association appoint a committee of five members of the Bar, to develop a proposal for the Alaska Bar Association to initiate a plan for providing legal services in civil cases to indigents. Tabled indefinitely.

Resolution #9: Proposing among other things: a) an investigation be made of the productivity of Alaska Legal Services Corporation; b) an investigation of the applicability of more efficient case handling techniques; c) a direction to Alaska Legal Services to speed up their interview process; d) a direction to Alaska Legal Services Corporation re their intake policies. Defeated.

Resolution #10: Proposing that attorneys should be permitted to advertise their services by legitimate or lawful means and be permitted to say anything about themselves or their services so long as their advertising is not untrue, fraudulent, or misleading to the public. Defeated.

Resolution #11: Proposing that in order to practice law in Alaska, each active attorney regardless of his employment must participate in 24 hours of continuing legal education programs annually. An amendment to Resolution Number 11 to provide for a one year feasibility study of the issue with a report back to the convention in June of 1979 carried and the President ruled that the amendment carried the motion.

Resolution #12: To implement the specialization plan proposed by the Alaska Bar Association Committee on Specializaion. Defeated.

Resolution #13: Urging that the Alaska State Legislature pass a law decriminalizing the possession of cocaine by adults for personal use. Defeated.

Resolution #14: Opposing proposed local rule 8 of the Federal District Court, which limits the number of interrogatories. Passed unanimously.

Resolution #15: Directing the Alaska Bar Association to ask the Alaska Supreme Court to revise the Alaska Civil Rules to provide that space be provided after interrogatory for responses. Unanimous consent.

## ELAP Program Proposed for Alaska

In December 1969 the Economic Opportunity Act of 1964 was amended to authorize Department of Defense funding of legal services for members of the Armed Services from the Office of Economic Opportunity. Then Secretary of Defense, Mr. Melvin Laird, decided, however, to ascertain whether these services could be better provided by military attorneys through expansion of the traditional military legal assistance prorgam.

With the approval and support of the American Bar Association, Mr. Laird, on 26 October 1970, directed the military services to establish a pilot program in cooperating states.

The Army was the first military department to obtain authorization from one of the states, New Jersey, for a fully operational test. In the latter part of 1970, appropriate officials of the Monmouth County Bar and Burlington County Bar Associations and the Board of Trustees of the New Jersey Bar Association formally indicated their support. On 4 January 1971, the Army was advised that the Supreme Court of the State of New Jersey had given their approval for the initiation of the project. Since that time, several other states have approved the institution of some form of Expanded Legal Assistance Program (ELAP).

The U.S. Military Services, in conjunction with the 17th Coast Guard District, propose to conduct an Expanded Legal Assistance Program in Alaska. Under this program, qualified military attorneys would provide in-court representation for active duty members of the military services who are eligible for legal assistance from the Alaska Legal Services. Similar programs currently are in effect in nineteen states, including Hawaii, Colorado, Arizona and Maryland. Since Alaska has one of the highest costs of living in the nation, military officials consider the program to be as necessary and important in this State as any others.

Military authorities do not think the Expanded Legal Assistance Program would deprive practicing attorneys of any legal fees because the military personnel eligible for the program would not be financially capable of paying legal fees. It is the military's intention to limit this legal support to military personnel who are in the grade of E3 or below, earning a maximum of $626.40 per month before taxes. Out of that pay, the individual bears the cost of transportation of his family to Alaska, shipment of his automobile and household goods, in addition to housing off-post and all other incidentals. Therefore, such personnel would be only an additional burden on the Alaska Legal Services.

The military services intend to submit a proposed rule similar to Rule 43 of the Alaska Bar Association which, if adopted, would permit their attorneys to represent impoverished service personnel in Alaska Courts. An advisory Council would be established with representatives from each service and the Alaska Bar Association to draft the regulation and guidance for the program.

On 8 September 1978, representatives from the 17th Coast Guard District and the 172nd Infantry Brigade (Alaska) presented their concept of the proposed program to the Board of Governors, Alaska Bar Association, at Fairbanks. The Board of Governors viewed the program favorably and made some helpful suggestions to assist in implementation. The Board of Governors will consider the proposal again during its next meeting on 26-28 October. Any comments on the proposed program should be submitted to the Board of Governors prior to that scheduled meeting.

## Proposed Alaska Bar Rule

Pursuant to Rule 62 of the Alaska Bar Rules, the Board of Governors hereby gives notice that it will consider adoption of the following Bar Rule at its next regular meeting to be held in Anchorage on October 26, 27 and 28, 1978:

**Proposed Alaska Bar Rule 43.1**

Waivers to Practice Law under a United States Armed Forces Expanded Legal Assistance Program.

**Section 1. Eligibility.** A person not admitted to the practice of laaw in this state may receive permission to practice law in the state for a period of not more than two years if such person meets all of the following conditions:

(a) The person is a graduate of law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated, and is an attorney in good standing, licensed to practice before the courts of another state, territory or the District of Columbia, or is eligible to be admitted to practice upon taking the oath of that state, territory or the District of Columbia;

(b) The person is an active duty member of the United States Armed Forces assigned to the Judge Advocate General's Corps or the United States Coast Guard;

(c) The person has not failed the bar exam of this state.

**Section 2. Application.** Application for such permission shall be made as follows:

(a) The Staff Judge Advocate of the Military Installation to which the applicant is assigned shall apply to the Board of Governors on behalf of a person eligible under Section 1;

(b) Application shall be made on forms approved by the Board of Governors;

(c) Proof shall be submitted with the application that the applicant is a graduate of alaw school which is accredited as provided in Section 1 hereof, and is an attorney in good standing, licensed to practice before the courts of another state, territory or the District of Columbia, or is eligible to be admitted to practice upon taking the oath of the state, territory or the District of Columbia.

**Section 3. Approval.** The Board of Governors shall consider the application as soon as practicable after it has been submitted. If the Board finds that the applicant meets the requirements of Section 1 above, it shall grant the application and issue a waiver to allow the applicant to practice law before all courts of the state of Alaska. The Board of Governors may delegate the power to the executive director of the Bar Association to approve such applications and issue waivers, but the Board shall review all waivers so issued at its regularly scheduled meetings.

**Section 4. Conditions.** A person granted such permission may practice law only as required in the course of representing military clients under an approved Expanded Legal Assistance Program, and shall be subject to the provisions of Part II of these rules to the same extent as a member of the Alaska Bar Association. Such permission shall cease to be effective upon the failure of the person to pass the Alaska Bar examination.

**Section 5. Advisory Council.** An advisory council composed of one representative from each United States military service and the Alaska Bar Association shall establish rules and regulations for conducting the Expanded Legal Assistance Program in Alaska.

## Proposed Amendments

Notification, pursuant to Alaska Bar Rule 62, is hereby given that the Board of Governors will consider the following by-law and rule amendments at its meeting on October 26, 27 and 28, 1978, in Anchorage:

(1) New by-laws establishing the guidelines for publication of the official newspaper of the Association;

(2) Amendments to the Code of Professional Responsibility, DR 2-101 and DR 2-102 and pertinent ethical considerations to allow designation of areas of practice when advertising;

(3) Amendments to Bar Rule 43 to permit waivers for VISTA attorneys working for non-profit corporations and requiring that all attorneys practicing under waivers be graduates of accredited law schools; and

(4) An amendment to Bar Rule 2, section 1(e) eliminating the citizenship requirement as a condition to admission to practice.

The full text of the foregoing proposals are available, upon request, from the Bar Office.

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At a meeting in Fairbanks on June 6, 7 and 8, 1978 the Board of Governors recommended an amendment to Disciplinary Rule 6-101, Sections B and C. The text thereof follows. This serves as notice pursuant to Rule 62 of the Alaska Bar Rules of the Board's action.

**DR 6-101**

(B) Any complaint against a lawyer alleging unsatisfactory performance which, if substantiated, would not constitute a violation of a disciplinary rule, is nevertheless within the jurisdiction of the disciplinary system for investigation, report to the complainant, and such counseling with the lawyer or other corrective measures as may be helpful in avoiding future instances of unsatisfactory performance.

(C) An accumulation of separate instances of unsatisfactory legal performance may constitute conduct prejudicial to the administration of justice in violation of DR 1-102 (5), or conduct that adversely reflects on fitness to practice law in violation of DR 1-102 (A)(6).

## Meetings of the Association

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|---|---|
| Oct. 26-28 | Board of Governors, Anchorage |
| Jan 29-31 | Board of Governors, Kauai |
| Feb. 1-3 | Mid-Year CLE Convention Kauai |
| March 29-31 | Board of Governors Juneau |
| May 17-19 | Board of Governors Anchorage |
| June 5-7 | Board of Governors Sitka |
| June 8-9 | Annual Business Meeting Sitka |

[continued on page 8]

# Three Attorneys Receive Sanctions

Court Issues Public Censure:

Richard B. Collins recently received a public censure from the Alaska Supreme Court for violations of DR 6-101(a)(3) which provides that: "A lawyer shall not...[n]eglect a legal matter entrusted to him."

In an opinion issued on August 18, 1978 the Court stated:

"It is uncontested that Respondent is chargeable with unexcuseable neglect in his handling of the seven probate matters involved in this proceeding...In reaching our determination that a public censure is warranted in this case, we have taken into consideration the absence of any deceit, misrepresentation, or unauthorized pecuniary gain or (sic) Respondent's part in these matters. Further, we have not overlooked the fact that Respondent admitted before the Hearing Committee that he had violated Disciplinary Rule 6-101(a)(3) and that he did neglect a legal matter which had been entrusted to him. If it were not for those considerations, a harsher sanction would be indicated."

The full opinion may be found in Opinion Number 1694-August 1978.

**Two Attorneys Receive Private Reprimand:**

An Alaskan attorney recently received a private reprimand from the Board of Governos acting on their capacity as the Disciplinary Baord. The reprimand was administered for violations of DR 7-107(g)(2). The Rule prohibits an attorney or law firm associated with a civil action from making extrajudicial statements during the investigation or litigation. Statements relating to the character, credibility, or criminal record of a party, witness or prospective witness are prohibited.

In the instant case Respondent-Attorney represented plaintiffs in a civil action for personal injuries. After the action was filed but prior to the actual trial of the cause Respondent appeared at a public meeting and made derogatory comments regarding the defendants credibility and character. Portions of his comments were published in the local newspaper.

Factors considered by the Hearing Committee in making their decision to recommend private reprimand where the following:

1. The sincerity of the attorney's apology and admission of the violation;

2. The length of time between the making of the statements and the date of trial, which would appear to have minimized prejudice in the selection of the jury; and,

3. The potential prejudice to all parties to the litigation at both the trial and appellate level of a public reprimand or censure.

The Hearing Committee further recommended that members of the Bar be informed that an attorney has been reprimanded for making public comments on pending litigation and that Bar members are encouraged to familiarize themselves with the Rule as well as all Disciplinary Rules.

The Respondent-Attorney, during proceedings before the Hearing Committee, stated that he was not aware that his conduct was in violation of the Code of Professional Responsibility. The Committee found ignorance of the Rule was an invalid excuse. The Disciplinary Board accepted the Hearing Committee's recommendation in toto.

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In another unrelated matter an attorney also received a private reprimand. The reprimand was given upon recommendation from the regional Hearing Committee for violation of DR 5-101(a) which reads as follows:

"Except with the consent of his client after a full disclosure a lawyer shall not accept employment if the exercise of his professional judgment on behalf of his client will be or reasonably may be affected by his own financial business, property or personal interests."

The Hearing Committee found that the attorney's total involvement went beyond acceptable limits of good judgment and proper professional conduct. The Disciplinary Board affirmed the findings and recommendations of the Hearing Committee.

# Fairbanks Fracas

The Board of Governors met in Fairbanks on September 6, 7, 8. The 3 day meeting covered a full agenda. Many of the important topics discussed and decided are discussed in detail elsewhere in this issue. This article is a brief summary of the major items on the agenda.

**Caroline Jones** presented a report and recommendation to change the Bar admission application form. The recommended changes were adopted. The form is now less onerous to complete and seeks none of the meaningless information appearing on the old form.

Executive Director, **Loyette Goodell**, made a recommendation to the Board that admissions character investigations be conducted by the National Conference of Bar Examiners. The Board, convinced that the move would aid Bar office efficiency, approved the recommendation.

Loyette Goodell also reported on the results of a study conducted by the Bar office to determine a comparison of the administrative costs of processing examination applicants. She reported the administrative cost was greater than the fee being charged. Based upon this report the Board raised the examination application fee to $250. The executive Director reported that this is less than being charged by many states.

On two succeeding days the Board heard presentations from **Dr. Glen Olds** of Alaska Methodist University and **John Havelock** of the Criminal Justice Center, University of Alaska, Anchorage. Both speakers discussed items relating to legal education.

Dr. Glen Olds raised the proposal of a tie-in between AMU and Duke or Denver law schools. The concept would create an AMU law school arm of one of these universities. John Havelock raised a number of points, regarding methods of aid to Alaskan students pursuing law careers. A principle problem he raised was the loss of WICHE status for law students from Alaska. The effect is to raise tuition costs for Alaskan students by removing the prior access to out-of-state law schools on a resident tuition basis. Board action established a committee headed by **Karen Hunt** to take steps to re-instate WICHE status for Alaskan students and to locate funds for Alaskan students pursuing law careers.

Finally, the self-risk management committee presented a report and a request that its scope be broadened to investigate alternatives other than self-insurance. The Board approved the request.

## Bar Committee Chairmen Announced

**Ken Jarvi**, President of the Alaska Bar, has, in accordance with the by-laws of the Association, reviewed the Standing Committees and made the following Chairmanship appointments:

Administrative Law—**Jim Grandjean**
Bar Polls & Elections—**Peter Ginder**
Bar-Bench Press—
Anchorage-**Ev Harris**
Southeast-**Judge Robin Taylor**
Fairbanks-**Dick Savell**
Business Law—**Wayne Booth**
Civil Rules—**Don Clocksin**
Continuing Legal Education—**T. Fleisher**
Criminal Law—**Mike Rubenstein**
Environmental Law—**John Norman**
Ethics—**Chuck Flynn**
Family Law—**John Reese**
Natural Resources—**JOe Rudd**
Para-Legal—**Steve Conn**
Probate—**Trigg Davis**
Real Estate—**Frank Nosek**, **David Bundy**
Tort—**Vernie Kelly**

Except for the newly created Civil Rules Committee positions have been filled and a number of the Board has been assigned to each Committee. The Committee appointments will be published in the October issue of the **Bar Rag.**

# The Bar Review

## By Bernard Trink

*This column is directed to those persons who understand that drinking can and should be considered an art form, the perfection of which must be pursued with dedication and vigor. In a day and age when time honored traditions have gone by the wayside; when all things enjoyable are considered hazardous to one's health a need has arisen for a source of enlightenment on this much maligned social attribute.*

*A man of quality and breeding once said, "To drink is good but to drink with style and in comfort is infinitely better." In keeping with this bit of sage advice this column, each month, will attempt, among other things, to acquaint dedicated imbibers with watering holes which tend to compliment this noble pursuit.*

For my first column I have selected for review Anchorage's own **Keyboard Lounge**, an oasis of the first and finest water.

The Keyboard, situated on the corner of 4th and K across from the State Court Building, is considered by some to be the center of legal intercourse for the Third Judicial District. Decorated in a manner thoroughly conducive to relaxation and conviviality it is a beacon to those who wish to escape from the rigors of the courtroom, discuss a recent court ruling, or to meet with good friends. It is also a favorite stop for trial attorneys and when you can't locate a law enforcement officer at Dunkin' Donuts, try the Keyboard. In all fairness to Alaska's Finest, the **Keyboard** is also one of the few places a peace officer can locate an off duty district attorney.

Designed, owned and operated by **Jimmy Seward**, a distinguished gentlerman with 32 years experience in the bar business, the Keyboard opened on December 1, 1973. While the Keyboard is not Jimmy's first bar in Alaska, he previously owned the Cache Lounge and the Pink Poodle, it is undoubtedly his best effort to date. Prior to coming to Alaska Jimmy was a resident of Hollywood, California. Rumor has it that he migrated when his career in silent movies was suddenly terminated with the advent of "talkies." Well, Hollywood's loss has been Alaska's gain.

Business hours are from noon to 5 a.m. Monday through Saturday. The Keyboard is one of the few remaining places that offers complimentary snacks during the cocktail hour. Make it a point to stop in on Thursdays and Fridays for Jimmy's infamous Moose Balls—they're a zesty taste treat.

Music, from noon till 10 p.m. is provided by an excellent sound system. The selection is extensive and caters to all tastes. From 10 p.m. till 2 a.m. Monday through Thursday the Keyboard offers live music. Fridays and Saturdays the band plays until 3 a.m. Presently featured are the Sonics, a very talented and versatile group that can crank out an excellent rendition of just about anything a sane person could request. So, for those of you who enjoy tripping the light fantastic take a friend. For that matter take several; the Keyboard seats

While Jimmy is hardly an sentee innkeeper, (he is there ev day seeking ways to upgrade the vice) kudos must most assure go to the staff.

Barbara is in charge of the staff. She is something of a he nut which probably accounts for excellent physical condition. Ru shares bartender duties with So on the evening shift. She books tertainment as a sideline; if yo planning a gala event you might ch with her. Jimmy tells me that So doubles as bouncer. If so, he is hi overpaid as his services are sel if ever needed. I'm sure Sonny a butes this phenomenon to his phys prowess, however, if the truth w known the clientele just aren't sort. Pat, Tyra and Patty are y cocktail waitresses. Although is my favorite you would be h pressed to find three more attract charming young ladies. Check them for yourself; you won't be disappoin

Tip for the month. If you e gin, and I do, experience the ne ultra—Bombay Gin, de mucho Of course, it's stocked at the Keyboa

# Law Library Note

## By Bill Ford

ANCHORAGE—On Mond October 2, the Anchorage Law brary will begin an extended sche of hours and will be open and sta during the evenings and on weeke as follows:

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|---|---|
| Monday-Thursday | 8:00 AM—10:00 |
| Friday | 8:00 AM—6:00 |
| Saturday | 9:00 AM—5:00 |
| Sunday | 1:00 PM—9:00 |

These hours represent the m mum that the law library can main open with present staff and w arrived at following consultation the Anchorage Bar Association Bo of Directors. They are also in formity with a recent study don the National Center for State Co which recommended that with th creasing size of the Anchorage that unlimited access to the law brary by means of attorney keys discontinued in an effort to allev book loss and other security probl On October 2, the door locks wil changed and no one will be allowe remain in the law library after clo hours.

For attorneys wishing to use umes after closing, a limited chec program is being instituted. During half-hour before closing only, b may be checked out overnight, t returned before 10:00 AM the follo morning (2:00 PM on Sunday). privilege will only be available t torneys who allow their $25.00 deposit to remain with the Ancho Bar Association. Others may tur their keys and request that the refund their deposit. Generally, b that may be checked out overn will include treatises, practice m ials and law reviews only. No tutes, rules, reporters, digests reference materials will circulate.

If checked-out materials are returned by the hour due, the e $25.00 deposit will be forfiet an additional fine of $1.00 per day book imposed. After 10 days the library will presume the book(s) and reorder new copies, with all c chargeable to the borrower. Bec it is essential that heavily used terials be available in the law lib to all users, these penalties have approved by the Anchorage Bar sociation and will be strictly enforc

The above hours and regula apply to the Anchorage Law Lib only and do not affect other la braries in the state.

—Following numerous requ the attorneys' phone will be reinst on October 2, in an office on th brary mezzanine. This phone removed last month during a cha over in the anchorage court buildi phone system.